

Dartmouth, N. S.

March 4th, 1980.

Regularly called meeting of City Council  
held this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Sarto	Ibsen
Williams	Cunningham
Crawford	Brennan
Withers	Valardo
Hart	Greenwood
Hawley	Greenough
Fredericks	
City Solicitor, M. Moreash	
Acting City Administrator, D. Bayer	
Deputy City Clerk-Treas., G. Brady	

A number of items were added to the agenda with Council's concurrence and were dealt with during the course of the meeting.

On motion of Ald. Valardo and Sarto, Council approved the minutes of meetings held on Feb. 5th, Feb. 19th and Feb. 22nd.

A letter has been received from the organization known as DIAL (Disabled Individuals Alliance), inviting the participation of a member of Dartmouth City Council as a representative on their Metropolitan Committee. On motion of Ald. Ibsen and Valardo, the Mayor was asked to make an appointment from Council to serve on the Committee. The Mayor asked that any member with a particular interest in serving on the Committee, indicate this interest to him.

Mr. Moir has recommended a one-year renewal to March 1, 1981, of a lease between the City and Maxwell Ernst, covering a parcel of City-owned land located at the corner of Dawn Drive and Windmill Road. The lease expires on March 1/80 and Mr. Ernst is seeking renewal of the lease for a further one-year period. Ald. Fredericks and Hawley moved the adoption of the recommendation, but Ald. Ibsen felt that the lease, as it has been drafted, is vague and inadequate. Ald. Hart commented on the improvements that have been made to this particular property since Mr. Ernst has leased it for the purpose of a used-car lot. She spoke

MINUTES

LETTER: DIAL

LEASE OF LAND:  
DAWN DR. &  
WINDMILL RD.

in favour of renewing the lease.

Ald. Valardo questioned the adequacy of the rental fee the City is receiving and moved in amendment, seconded by Ald. Crawford, that it be set at \$200. per month instead of the \$100. fee provided for in the lease. Ald. Hart suggested that the cost of the improvements to the property, that have been borne by Mr. Ernst, should be taken into account, and Ald. Fredericks said he would like to have staff take a closer look at what the fair market value should be for renting the property, in view of its location and taking into consideration, the cost of improvements assumed by Mr. Ernst since he has been using the land for business purposes. Several other members of Council favoured this approach also, and in conclusion, Ald. Greenough and Fredericks moved referral back to staff for another look at the rental fee to be charged for the property, in their assessment to give consideration to the fact that improvements have been made at the expense of the rentor. Ald. Valardo's opinion on the ultimate disposal of the property was that the City should be trying to sell it, and that if Mr. Ernst does not want to purchase it, efforts should be made to sell it to someone else. The motion to refer carried with Ald. Hart voting against.

#### RESTAURANT PROPOSALS

Mr. Moir's next report to Council dealt with the proposals received for a high-quality restaurant and lounge to be located on the second floor of the new Ferry Terminal building. Proposals were received from the following:

John G. Kelly  
Grassroots Systems  
Pier 4 Investments Ltd.  
William G. Clarke

The first two proposals do not meet the terms of the proposal call, and it is recommended that they be rejected and their \$100. fee be returned in each case. With respect to the latter proposals, Mr. Moir further recommends that Council authorize staff to begin negotiations with Pier 4 Investments Ltd.

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and Wm. G. Clarke, to narrow the selection and choose one for recommendation as the restaurateur in the Terminal building. Council adopted both recommendations as presented, on motion of Ald. Greenough and Williams. (Ald. Valardo abstaining from the vote.) The Solicitor did not consider there would be a conflict of interest in Ald. Valardo's association with the principals in two of the companies submitting proposals, but Ald. Valardo said he would refrain from voting on this issue and did so with the concurrence of the Mayor.

DRAINAGE:  
289 PORTLAND ST.

Council considered a report from Mr. Moir on a drainage problem in the area of 289 Portland Street, which has been looked at by the Engineering Dept. The solution to the problem rests solely on private property and the estimated cost to carry out the necessary work is \$12,000. In view of recent Council decisions relating to such problems on privately-owned properties (ie. on Rodney Road and in the Manor Park area), it is Mr. Moir's recommendation that the owners of the property at 289 Portland Street be advised that their drainage problem must be resolved at their own expense. Ald. Greenough and Ibsen moved the adoption of the recommendation.

Council agreed to hear Dr. Lamplugh, the property owner, and he explained the problems he has had with the flooding of his basement and with water running down his driveway, causing a build-up of ice in the cold weather. He explained that the water drains from other properties above him and does not come off his own property. He suggested that the catch basin installed by the City, in an effort to alleviate some of the problem, was not put in the right place to be effective, and he requested Council's assistance in dealing with the drainage situation.

While the members of Council were sympathetic to the request of Dr. Lamplugh and expressed concern about the problem he has been faced with, it was felt that a precedent cannot be set in this case because of the many similar problem areas that would have to be assisted by the City if an exception were made here. Ald. Williams said he would support the request, however. Mr. Fougere was asked to respond to a number of questions about the work required to resolve the drainage problem on Dr. Lamplugh's property, and he went on to explain what the Works Dept. attempted to do when they installed the catch basin near the driveway of the property. Ald. Brennan favoured a referral back to the Engineering Dept. staff to look at a possible relocation of the catch basin and/or some other means of alleviating the drainage run-off through the driveway. Mr. Fougere pointed out that a relocation of the catch basin is not the answer to the problem. Ald. Brennan's motion to refer to staff, seconded by Ald. Crawford, was defeated. The original motion, adopting Mr. Moir's recommendation was then put and carried (Ald. Brennan, Williams, Cunningham, and Crawford voting against).

## DISTRIBUTION

Mr. Moir has submitted a report on the two recent proposals made to Council (by ICG Scotia Gas Ltd. and by the Nova Scotia Power Corp.) for serving the City of Dartmouth with natural gas. The report suggests that since in all probability, the decision on distribution rights will be established by a higher political level, the efforts of City staff should be directed toward the preparation of the necessary documentation and by-laws to deal with the company which is selected and granted the distribution rights.

While the need for such documentation was recognized as being a staff function, Ald. Fredericks was in favour of indicating Council's endorsement of the N. S. Power Corp. proposal, and he introduced a motion to that effect, seconded by Ald. Hart.

Ald. Brennan spoke in support of the motion and said he would like to go further with it by having staff explore the benefits and/or costs of the City entering into a joint venture with the Power Corp. for the distribution of natural gas in Dartmouth. Ald. Valardo did not feel that endorsing one proposal over another is the right way to proceed at this time without first having some type of expert analysis of all the ramifications involved. The motion on the floor carried with Ald. Williams, Withers, Valardo and Cunningham voting against.

Mr. Bayer explained some of the staff functions that will be involved in drafting by-laws and other relevant documentation that will be required if natural gas is to be distributed in the City. Council agreed that this work should be undertaken by staff as it is required. Before leaving the item, Ald. Brennan moved that Council direct staff to approach the N. S. Power Corp. formally to explore the possibility of a joint venture in gas distribution with the Corporation in the City of Dartmouth. The motion was seconded by Ald. Ibsen and it carried with Ald. Valardo voting against.

CONTRACT #7915

Tenders have been received as follows for Contract #7915 (improvements to the Park School playground, including the construction of a wading pool, as a NIP project):

Oilcon Services Ltd.	\$48,952.35
W. Eric Whebby Ltd.	55,187.07
L.J. Casavechia Contracting Ltd	57,244.00
Woodlawn Construction Ltd.	57,596.40
Edmonds Bros. Landscape Services (1979) Ltd.	63,016.87
Lorraine Landscaping Ltd.	71,635.15
Terra Nova Landscaping Ltd.	79,640.00

Mr. Moir recommends acceptance of the low bid, submitted by Oilcon Services Ltd.; the necessary funds for the project are included in the 1979/80 NIP program funding. Ald. Ibsen and Greenough moved the adoption of Mr. Moir's recommendation, awarding

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the tender for Contract #7915 to Oilcon Services Ltd.

Questions were raised as to the ultimate disposition of Park School and the Park School property. Mr. Bayer responded by stating that there is sufficient public need for the Park School property so that it should be retained in public ownership for some time to come. Having received this information, the members were willing to have the project proceed and the motion to award the tender carried.

SIMPSON'S SITE:  
BURNSIDE PARK

Council next dealt with a report submitted by Mr. Rath on additional improvements that will be required on the Simpson's site in the Burnside Park before it can be accepted by the company to meet their requirements. The improvements involve the removal of large amounts of peat, to be replaced with fill material, necessitating an expenditure of approx. \$265,000. Having considered this item, the Industrial Commission recommends that Council authorize an expenditure of up to \$265,000. from the Surplus Sale of Land account, bringing the total authorization for the project up to a maximum of \$450,000.

Ald. Greenough and Valardo moved the approval of the recommendation from the Commission. Ald. Fredericks asked if there has been any examination of the possible responsibility of Canadian British, who did the original engineering work in the Park. The Solicitor advised that a report on this matter is going to Mr. Moir. The motion on the floor carried.

CONTRACT #76114:  
LYNCH ESTATE

The following tenders have been received for Contract #76114 (Phases 1 & 2, Municipal Services & Road Construction in the Lynch Estate):

L. J. Casavechia Contracting Ltd.	\$2,565,526.00
W. Eric Whebby Ltd	2,589,368.00
Antigonish Construction Ltd.	2,746,714.00
Highland Paving & Construction Ltd.	2,813,775.00
Woodlawn Construction Ltd.	2,837,512.25
Harbour Construction CO. Ltd.	2,961,300.00
BOT Quebec Ltd.	2,990,302.00
Carl B. Potter Ltd.	3,081,130.00
Seaport Contractors Ltd.	3,330,340.00



Acceptance of the low bid, submitted by L. J. Casavechia Contracting Ltd., was recommended to Council by the Acting City Administrator, and the tender was awarded as recommended, on motion of Ald. Williams and Hart.

NOTICE OF MEETINGS

Council received for information, copies of the schedule of upcoming meetings for March, including budget meetings that are to be held during the period.

REPORT: HAMMERLING CASE

A report circulated for information purposes on the Reiss/Hammerling case, was received and filed, on motion of Ald. Greenough and Cunningham.

SACKVILLE EXPRESSWAY

Plans for the Sackville Expressway have been reviewed by the Lakes Advisory Board, and in connection with the proposed interchange that will be located immediately adjacent to Albro Lake, the Board recommends the following restrictions for the construction of the interchange, in order to keep the effect on the lake to a minimum:

- 1) that removal of any material be undertaken in such a way that the resultant silt be contained within the construction area.
- 2) that any material used for infilling be composed of clean rock only and that use of any clay material or soil be prohibited.
- 3) that the necessity for these restrictions be conveyed to the Minister of Highways.

Ald. Fredericks and Valardo moved the adoption of the Board's recommendations. Ald. Hart and Valardo moved in amendment that recommendation #3 be amended by adding the words 'by letter from the Mayor' after the word 'conveyed'. The amendment carried. Ald. Hart expressed concern that plans for the interchange have not been before Council, so the members could see the proposed alignment in relation to Albro Lake. It was noted by Mr. Fougere and Ald. Greenough that the plans available to date are conceptual in nature only and not the detailed engineering drawings for the interchange. The amended motion carried.

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TRAFFIC PROBLEM:  
WYSE & ALBRO LAKE ROADS

On motion of Ald. Ibsen and Cunningham, Council received and filed a report from the City Clerk-Treasurer on the traffic situation at the corner of Wyse and Albro Lake Roads, and the consideration this item has received by the T.M.G.

MOBILE HOMES & PARKS:  
BY-LAW C -386

Mr. Bayer has prepared a report on the need for clarification of the definition of mobile homes for purposes of the City's current Mobile Home By-law, and proposed By-law C-386 has been drafted to accomplish this clarification; the by-law was presented for Council's approval.

It was moved by Ald. Ibsen and Brennan and carried that leave be given to introduce the said By-law C-386 and that it now be read a first time.

It was moved by Ald. Greenough and Valardo that By-law C-386 be read a second time.

In response to questions from Ald. Valardo, Mr. Bayer explained some of the problems being experienced with new types of mobile units and their introduction into our City mobile home parks. The intent of the by-law before Council is to prevent further unapproved units from being moved into the parks, as an interim measure, until the entire mobile home subject can be reviewed with respect to these new types of units. The motion for second reading carried.

Unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Valardo and Cunningham and carried that By-law C-386 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

LEFT-TURNING  
TRAFFIC: MACDONALD  
BRIDGE

A report was before Council from Mr. Bayer on the subject of left-turning traffic movements for traffic coming off the Angus L. MacDonald Bridge and wishing to proceed north on Wyse Road. A consultant

engaged to look at the situation has submitted a report, copies of which were circulated, and Mr. Bayer's recommendation to Council is that left-hand turns not be permitted during peak periods, and essentially, that the situation remain as it is for the time being. The report concludes that it should be borne in mind that the situation must be reviewed periodically, particularly if any new signalization is placed in the area (Victoria/Boland) or any major development occurs near the bridge head such as the proposed Recreation Complex. Ald. Fredericks and Williams moved the adoption of the recommendation.

Ald. Brennan expressed some of the concerns he has about traffic in the bridge head area, including pedestrian movements, and suggested that there is a need for a further overall assessment by staff, taking into consideration the effects of a recreation complex being located on the former Memorial Rink property and the additional traffic that can be expected to enter and travel through this section of the City if the complex is built. He moved referral back to staff for consideration of the traffic problems and complexities in the total bridge head area, taking into account the plans for a recreation complex and other factors. The motion to refer was seconded by Ald. Valardo.

Ald. Valardo and Crawford maintained throughout the debate that left-turning traffic should be permitted on Wyse Road during off-peak traffic hours, and they felt that this change should be implemented for at least a trial period. Mr. Bayer explained the basis for his recommendation and commented on some of the difficulties that occur with traffic backing up on Nantucket and coming off the bridge when left-turns from the bridge are allowed. The motion to refer for a total analysis of the bridge head traffic patterns and problems, received general support from Council and it carried.

SIGN CHANGES:  
ANDERSON, CLIFFORD  
& STREETS

The T.M.G. has reviewed the location of stop signs at the intersection of Anderson, Clifford and Day Streets, and has recommended their relocation in the intersection as indicated on the plan which accompanied a report to Council. Council approved the recommended changes, on motion of Ald. Valardo and Sarto.

PINE ST. STUDY

An interim report has been provided on the T.M.G. study of traffic problems in and around the Ochterloney/Pine Street area, and it was received and filed, on motion of Ald. Greenough and Valardo. A more detailed report will come to Council in due course from the T.M.G.

STIPEND RECOMMENDATION

In a report to Council, the Mayor has pointed out that the Provincial appointee on the Police Commission has received no remuneration to date. A stipend of \$1,000. per annum, retroactive to Jan. 1/80, has been recommended for the appointee. Ald. Ibsen and Greenough moved the adoption of this recommendation.

Ald. Hart suggested that the stipend is rather high and moved in amendment, seconded by Ald. Ibsen, that it be set at \$600. per year. Ald. Crawford and Valardo did not consider \$600. to be adequate and Ald. Crawford felt that all members of the Commission should receive a stipend and not just one member. Ald. Brennan spoke in support of the amendment. When the vote was taken, the amendment carried with Ald. Valardo, Crawford and Withers voting against. The amended motion carried with Ald. Valardo voting against.

MOTION: ALD. IBSEN

Having given previous notice of motion, Ald. Ibsen moved at this time that the number of members on the Dartmouth Police Commission be reduced from sixteen to seven, one of whom shall be appointed by the Attorney-General. The motion was seconded by Ald. Hart.

Explaining the intent of his motion, Ald. Ibsen said that in fairness to persons appearing before the Police Commission, the number of Commissioners should not be the same as the body to whom there is a second recourse for appeal, namely City Council. Since the Commission is comprised of the total Council, the same people hear complaint cases twice, without the opportunity for any new opinions to be aired during a hearing. Ald. Ibsen made reference to the size of other commissions in cities larger than Dartmouth, most of which are considerably smaller in number. He felt that the effectiveness of the Commission would be improved with a smaller number of members.

Ald. Valardo said that while he agreed the Commission is too large as presently constituted, he did not want to see its membership divorced from City Council representation. He favoured deferral of the motion pending the staff report requested at the Feb. Commission meeting and pending Judge Greene's review of the Police Act. His motion to defer was seconded by Ald. Crawford who spoke in favour of it. Ald. Fredericks also supported deferral. When the vote was taken, the motion to defer carried with Ald. Ibsen voting against.

MOTION: ALD. BRENNAN  
DEFERRED

Ald. Brennan requested deferral of his motion on parking in the downtown area until the March 19th meeting, when Council will deal with the '20% or. . . ' report. Council concurred with the request.

On motion of Ald. Crawford and Greenough, Council adjourned to meet in camera for one additional item (Building Inspector). After reconvening in open meeting, the action taken in camera was ratified, on motion of Ald. Hart and Greenough.

Meeting adjourned.



G. D. Brady,  
Deputy City Clerk.

Dartmouth, N. S.

March 6/80.

Regularly called meeting of City Council  
held this date at 7:00 p.m.

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Brennan	Crawford
Withers	Valardo
Hart	Greenwood
Hawley	Greenough
Fredericks	Williams
Mr. B. Smith	
D. McBain	
J. Rowinski	

BUDGET ESTIMATES

This was the first in the 1980 series of budget meetings to deal with the operating estimates and on motion of Ald. Williams and Greenough, Council went into Committee for the remainder of the meeting.

The meeting adjourned in Committee.

Bruce Smith,  
City Clerk-Treasurer.

Dartmouth, N. S.

March 10/80.

Regularly called meeting of City Council  
held this date at 7:00 p.m.

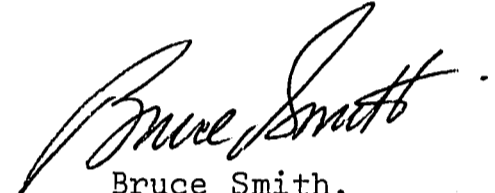
Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Crawford	Brennan
Withers	Valardo
Hart	Greenwood
Fredericks	
Mr. D. McBain	
B. Smith	
J. Rowinski	

BUDGET ESTIMATES

Council met to continue with the 1980 operating budget estimates and went into Committee for discussion purposes, on motion of Ald. Williams and Hart.

The meeting adjourned in Committee.

  
Bruce Smith,  
City Clerk-Treasurer.



Dartmouth, N. S.

March 11/80.

Regularly called meeting of City Council  
held this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Sarto	Ibsen
Williams	Cunningham
Brennan	Crawford
Withers	Valardo
Hart	Greenwood
Hawley	Greenough
Fredericks	
City Solicitor, S. Hood	
Acting City Administrator, D. Bayer	
Deputy City Clerk, G. Brady.	

Council met to complete the March 4th agenda and to deal with one additional item of business, a building permit to IKEA Furnishings on Akerley Blvd.

INQUIRIES:

ALD. VALARDO

Ald. Valardo's inquiries pertained to areas of jurisdiction in the school system, involving the hours set for the school day (recently changed at Bicentennial Jr. High), and secondly, the giving out of report cards at a school (Notting Park) to parents rather than sending them home with the children in the regular way. The Mayor noted that any changes in the hours of the school day come under the jurisdiction of the School Board, and Ald. Hawley explained why it has become a practice to give out report cards to parents at his school, as a means of improving the lines of communication between the school and the home. He said that other schools within the system also follow this procedure.

ALD. GREENOUGH

Ald. Greenough asked if there has been any response to date on our submission with regard to a site for the Atlantic Winter Fair. He felt that the City should be pursuing a more aggressive course of action along these lines, and suggested establishing a committee from Council to meet with the Provincial site committee. The Mayor agreed to speak to the chairman of the Provincial committee about the status of our submission.

ALD. SARTO

Ald. Sarto asked if there is any provision for additional street lights in the activity level approved for this item in the budget; the Mayor indicated that there is not.

Ald. Sarto's second inquiry was about a section of fencing along the brook behind Tobin and Christopher Drive. He asked if additional fencing is being installed there and if so, why a section along the brook was left without a fence. Mr. Fougere to check on the inquiry.

ALD. CRAWFORD

Ald. Crawford made the following inquiries with respect to the 107 By-pass highway and requested that they be answered in writing, either by the City Administrator or the Acting City Administrator:

- 1) What are the professional qualifications of the City staff members who have offered the alternative plan to the prestigious Canadian-British Consultants proposals?
- 2) What was the cost of the Dartmouth By-pass Highway 107 Environmental Assessment Study by Canadian British Consultants Ltd. and Sunderland, Preston, Simard & Associates Ltd.?
- 3) Was the Executive Summary an additional cost?
- 4) When did City staff or Mayor Brownlow receive the reports of the 1976 Canadian British Study that was first revealed to Council in 1979?
- 5) Who are the owners of the property that the City taxpayers are going to acquire to enhance this scheme that City staff is proposing? (ie. Lakecrest Drive, Main St., Caledonia Road, the road to Portobello, and any acquisition that may now or in the future be contemplated around the MicMac Rotary).
- 6) How many of the owners mentioned in question #5 have acquired their property since 1972? What are their names and the price they paid at time of purchase? What is the assessment value for 1980?
- 7) What improvements, backed up by building permits, have been made to each of the properties since the time the present owner made the purchase?

Another series of questions from Ald. Crawford, with a request for answers in writing, concerned the

Kuhn Road study; the questions are as follows:

- 1) How many of these unserviced homes were existing in Halifax County before amalgamation?
- 2) Why this sudden panic to purchase what is undevelopable property, when borrowing costs are at their probable peak, real estate is reportedly the same, and the forecast for Dartmouth's future tax rates will make the burden unbearable in all parts of the City?
- 3) What is different at Kuhn Road today?
- 4) How many, if any, building permits were granted by the City in the proposed 22.5 acre purchase area since amalgamation? Why?
- 5) What were the dates the permits were granted?
- 6) How up-to-date is the list of property owners included on Map #2 of the Study?
- 7) When did the present owners purchase their properties?
- 8) Requested a list of the assessment values of the properties concerned, and a statement from the Provincial Director of Assessment as to his opinion of the percentage of present resale value to assessment value.
- 9) As we are talking about storm water protection of the Westphal-Woodlawn area, was any approach made to DREE for cost-sharing in the purchases?
- 10) In view of all the foregoing, what development does staff visualize can possibly take place 'uncontrolled'?
- 11) Is staff unable to devise zoning regulations that can control development without the taxpayers borrowing the money to purchase the land? If not, why not?
- 12) It was noted in a report on the 107 By-pass controversy that using the Regional Development Plan legislation, a building permit was refused by the Province because the proposed structure may or may not be in the area of a future highway. Could the same criteria not be applied to refuse building permits for structures that will probably cause flood damage to thousands of Dartmouth homes?

ALD. GREENWOOD

Ald. Greenwood asked if the hours of operation at the Halifax disposal site have changed; the Mayor said there has not been a twenty-four-hour operation at the site for some time.

ALD. FREDERICKS

Ald. Fredericks asked for a meeting with W.D.C. representatives at the April Committee-of-the-Whole meeting, to have an overview of their total development in downtown Dartmouth. Mr. Bayer said this could be arranged.

Ald. Fredericks asked to have the new Community Services program explained to Council. Mr. Bayer suggested having the City Comptroller do this at the next budget session with Council.

ALD. HAWLEY

Ald. Hawley said there are concerns and uncertainty in Ward 6 about the by-pass highway and its alignment, and he asked if he could have access to any plans and/or information from the Provincial Dept. of Transportation that would help to clarify some of the questions the resident groups are asking. Mr. Bayer said a staff report will be going to the Mayor and the Mayor indicated to Ald. Hawley that any plans available to him could be looked at in his office (either by Ald. Hawley or any other members of Council).

Ald. Hawley said he has received requests for additional lighting at the Angus L. Macdonald bridge-head for right-turning traffic.

His next inquiry had to do with trains being shunted at the hour of 5:00 p.m. when ferry traffic is heavy; Mr. Bayer said this matter is being looked into now.

Ald. Hawley said there is a problem with truck traffic going through the the area of Raymond Street, Maple Drive, Helene Ave., Major and Walker Streets; Mr. Bayer to follow up on the need for non-trucking signs on the streets affected.

ALD. WITHERS

Ald. Withers asked to have attention given to a depression in the street on Woodland Ave. at the intersection with Lorraine Street, where water is freezing and causing a problem for traffic coming onto Woodland from Lorraine.

ALD. HART

Ald. Hart asked about the next orientation session for Council; the Mayor said the only time available for it would be on a Saturday, due to the budget meetings scheduled for the next few weeks.

ALD. BRENNAN

Ald. Brennan's inquiries were as follows:

- 1) to the City Solicitor concerning the legality of collecting taxes in February for services that in fact, have not been received by the taxpayers. The Solicitor said it is not unusual for monies to be collected in advance under these circumstances, and the procedure is not illegal.
- 2) what date has been set for the Planning Appeal hearings on the Dell Holdings property? Mr. Bayer said a date has not yet been set for this hearing.

Ald. Brennan asked that Council be informed when the dates for Appeal hearings are known by staff, and that decisions by the Appeal Board be communicated to members of Council as well.

- 3) asked if the City has a tendering process for banking services; Mr. Brady to check on the inquiry.
- 4) has a date been set to meet with the Forest Hills residents? Mr. Bayer said it is April 8th.
- 5) asked for background information on the back income tax being collected from City staff members for mileage payments they received, and whether, in fact, the City and/or the employees were aware at the time that these payments were taxable income.

ALD. IBSEN

Ald. Ibsen's first inquiry was about large tanker trucks taking short-cut routes through the Woodlawn area. Mr. Bayer said there is a by-law prohibiting this kind of truck traffic through what is a residential section of the City.

Ald. Ibsen said there is a problem with the walkway over the Circumferential Highway, where children have been throwing pieces of ice onto cars travelling underneath, resulting in broken and cracked windshields. He asked that consideration be given to a cage for the walkway to prevent this kind of damage to vehicles.

He then asked why staff have been dealing with Dept. of Transportation personnel on the 107 By-pass plan that was before Council, when the only authorization given was to have the plan itself forwarded. The Mayor explained that these were staff meetings of a technical nature to clarify the Planning Dept. plans for the staff at the Provincial department.-

In a supplementary question, Ald. Greenough asked that the T.M.G. take a look at the existing requirements for a motorists' view of crosswalks to make sure there is a safe distance for children to be seen on the crosswalks (ie. in relation to vehicles parking close to them and bus stops being situated too close to them).

NOTICES OF MOTION:

ALD. CRAWFORD

The following notices of motion were given for the next regular Council meeting:

- 1) Ald. Crawford : that all members of the Police Commission be paid a stipend of \$600. or a reasonable remuneration, pursuant to Section 19, sub-section (6) of the Nova Scotia Police Act, being Chapter (9) of the Statutes of Nova Scotia 1974.
- 2) Ald. Withers: that whereas during the meeting of Dartmouth City Council on October 4/79, when plans for the sports complex and convention centre were presented and discussed, no reference was made to off site costs, it will be moved that staff be instructed to compile estimates of such costs, to determine projections of revenue and expected operating costs, also to determine additional costs of a sound system and other anticipated expenditures not included in previous submissions, these to be presented to this Council in conjunction with the detailed plans and tender call, for discussion at a public meeting.


ALD. WITHERS

Ald. Brennan gave notice to Council that he will be on his annual vacation at the time of the next Council meeting.

PERMIT TO BUILD:  
2 AKERLEY BLVD.

On motion of Ald. Greenough and Valardo, Council approved an application for permit to expand present facilities at IKEA Furnishings at 2 Akerley Blvd. in the Burnside Park. Approval is granted subject to compliance with the staff requirement set out in the report to Council.

Council then adjourned to meet as Committee-of-the-Whole to deal with the regular Committee agenda for this date, on motion of Ald. Valardo and Greenough.

  
G. D. Brady,  
Deputy City Clerk.

Dartmouth, N. S.

March 17/80.

Regularly called meeting of City Council  
held this date at 7:00 p.m.

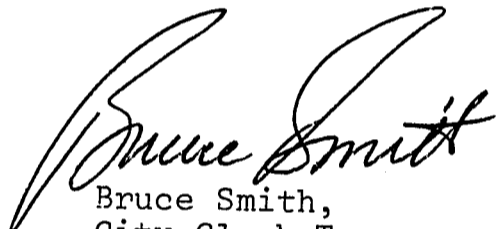
Present - Mayor Brownlow

Ald. Sarto	Greenough
Williams	Cunningham
Brennan	Crawford
Valardo	Greenwood
Hart	Ritchie
Fredericks	
City Administrator, C. A. Moir	
Mr. D. McBain	
B. Smith	
J. Rowinski	

BUDGET ESTIMATES

Council met to complete the estimates for  
General Government and to deal with the estimates  
for the Fire Dept.

On motion of Ald. Williams and Cunningham,  
Council moved into Committee for the remainder of  
the meeting.

  
Bruce Smith,  
City Clerk-Treasurer.

Dartmouth, N. S.

March 18/80.

Regularly called meeting of City Council  
held this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Crawford	Brennan
Valardo	Withers
Hart	Greenwood
Ritchie	Fredericks
Greenough	
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
Deputy City Clerk, G. Brady	

The Mayor welcomed to the meeting, members  
of the First Port Wallace Girl Guide company.

REZONING APPLICATIONS:

742/744 WAVERLEY RD.  
(WITHDRAWN)

STEWART HARRIS DR.

This meeting of Council constituted a public  
hearing for two rezoning applications. The Mayor  
advised Council that the application to rezone  
property at 742/744 Waverley Road has been withdrawn  
and therefore would not be heard at this time.

With respect to the second application, to  
rezone lands on Stewart Harris Drive from the existing  
holding zone to institutional zone to permit the con-  
struction of a nursing home, the Mayor made reference  
to a letter received from the Solicitors representing  
the Dartmouth Home for Special Care Society and asked  
the City Solicitor to comment on a conflict of interest  
involved for members of the Society and the Dartmouth  
Hospital Commission.

The City Solicitor stated that the hearing of  
a rezoning application is a judicial proceeding and  
as such, must be carried out according to strict legal  
requirements. He said the letter on behalf of the  
Special Care Society indicates a situation of conflict  
on the part of some Aldermen who are members of the  
Dartmouth Hospital Commission or the Home for Special  
Care Society or both. Since the members of Council  
are expected to act in a judicial capacity, they cannot  
be placed in a position of being opposed to the rezoning  
and then sitting in judgement on the rezoning issue.  
He gave the opinion that members of Council who are



members of the Dartmouth Hospital Commission and/or members of the Dartmouth Home for Special Care Society, should not take part in the debate or vote on the issue (ie. of the rezoning application). Any decision taken otherwise (ie. with their participation) would likely result in the decision of Council being nullified.

Mr. Moreash also made reference to the question of conformity with the Municipal Development Plan and the necessity for a decision on the rezoning application on that basis, rather than on a comparison of the two nursing home proposals that have been made.

Ald. Ibsen questioned the Solicitor's opinion and pointed out that if it is followed, both he and Ald. Sarto, who represent the Ward 1 area involved, will be unable to express any point of view on behalf of the residents whom they represent. Ald. Valardo objected strongly to being unable to participate in the hearing as a member of Council (being also a member of the Hospital Commission), and moved deferral of the matter until April 15th, in order to get a second legal opinion on the question of a conflict for members of Council who serve on the Hospital Commission and the Special Care Society. The motion to defer was seconded by Ald. Ritchie.

With the exception of Ald. Hart, who felt the hearing should be permitted to proceed as scheduled and agreed with the legal opinion given by the Solicitor with respect to a conflict for Council members who serve on the Hospital Commission/Special Care Society, most other members favoured deferral and spoke in support of Ald. Valardo's motion. A number of references were made during the debate to the letter from the Solicitors representing the Special Care Society. Ald. Hart considered it to be inadequate and Ald. Crawford said there are a number of inaccuracies in it that need to be corrected. He indicated that it was for this reason he would go along with the consulting of a second

legal opinion.

Ald. Ibsen asked whether those persons who served as members of the Hospital Commission when the Commission's plan for a nursing home was formulated, would not be considered to be in a conflict position also. Mr. Moreash said they would not, and pointed out that his opinion given to Council at this time arises from the letter received on behalf of the Special Care Society in opposition to the rezoning, representing a group who are also members of the Dartmouth Hospital Commission (ie. and also members of City Council). Ald. Sarto explained the areas of conflict he felt in this situation and said that under the circumstances, he would be unable to participate in the debate on the issue and would refrain from voting on it. When the vote was taken on the motion to defer, it carried with Ald. Hart and Fredericks voting against.

On motion of Ald. Crawford and Greenough, Council directed that the second legal opinion authorized be sought from Mr. Cox.

On motion of Ald. Greenough and Hart, a petition was placed on record by Ald. Greenough from residents who opposed the rezoning application for 742/744 Waverley Rd.

PETITION:  
742/744 WAVERLEY RD.

REPORTS

Reports recommended from Committee were approved as follows:

- 1) Building Inspector (Feb.): adopted on motion of Ald. Crawford and Ritchie.
- 2) Fire Chief (Feb.): adopted on motion of Ald. Crawford and Ritchie.
- 3) Ferry Supt. (Feb.): adopted on motion of Ald. Crawford and Sarto.
- 4) Social Services (January): adopted on motion of Ald. Ritchie and Hart.
- 5) Transit Manager (Feb.): adopted on motion of Ald. Crawford and Sarto.
- 6) Development Officer (Feb.): adopted on motion of Ald. Crawford and Ritchie.

VERAGE ROOM  
APPLICATION  
D'S FOODS LTD.

On motion of Ald. Crawford and Greenough, Council approved a recommendation from Committee against an Industrial Commission recommendation that would have instructed the City Solicitor to appear before the Liquor Licensing Board hearing, to express opposition on behalf of the City to the granting of a license to Bud's Foods Ltd.

PERMIT TO BUILD:  
D'S FOODS LTD.

On motion of Ald. Hart and Sarto, Council approved a recommendation from Committee in favour of granting a building permit application to Bud's Foods Ltd. for alterations to their existing restaurant at 10 Akerley Blvd., subject to compliance with City requirements, as set out in the staff report.

1980 STREET  
CONSTRUCTION  
PROGRAM

On motion of Ald. Crawford and Greenough, Council approved the 1980 Street Construction Program, as recommended from Committee with the several amendments noted in a report from the Deputy City Clerk, dated March 13/80.

WARD TENDER:  
TRANSIT UNIFORM  
SHIRTS

Tenders have been received for the supply of uniform shirts for the Transit Department; details of the tenders received are contained in a report to Council from the Purchasing Agent, dated March 10/80. It is recommended that the low bid, submitted by Star Uniforms Inc., in the total amount of \$1,347.15, be accepted, and Council authorized the awarding of the tender, as recommended, on motion of Ald. Crawford and Greenwood. Ald. Sarto requested that in future, information be included as to where the various suppliers tendering are located.

1980 LEGISLATION

Proposed legislation for 1980 has been submitted by the Solicitor and Resolution #80-12 was before Council with the legislation for approval. Ald. Hart and Greenough moved the adoption of the resolution as follows:

Resolution #80-12

BE IT RESOLVED that the Council of the City of Dartmouth approves introduction to the

Second Session of the Fifty-Second General Assembly of the Province of Nova Scotia of the proposed legislation in substantially the form contained in Exhibit "A" attached to and forming part of this resolution.

Ald. Brennan questioned several of the items of legislation and expressed his opposition in particular to item #2, with respect to the authority being sought to take the opinions of residents by polls or questionnaires. Ald. Fredericks' opposition was to item #9, which would give Council the authority to vary tax agreements previously entered into with the approval of the Minister of Municipal Affairs and the Minister of Development (this authority being required for the agreement negotiated some time ago by a previous Council with Sivaco Ltd. in the Burnside Park). Ald. Fredericks and Brennan moved in amendment the deletion of item #9 and the amendment was debated. When the amendment came to a vote, it was defeated with none of the members voting in favour.

Both Ald. Brennan and Fredericks said they would like to have seen the items of legislation come before Council in advance of their being submitted in a final draft form ready for submission to the Legislature.

With respect to item #7, dealing with the problem of exotic pets, Ald. Crawford asked about the provision there will be for a penalty for offenders, and was advised by the Solicitor that it would be preferable to have this provision included in the actual by-law that will be drafted, rather than providing for a penalty under Section 130 of the City Charter.

Ald. Crawford's other question had to do with the legislation required if his motion on a stipend for members of the Police Commission is approved. The Mayor pointed out that it is not possible to include such legislation at this time, when the

item has not even been decided yet by Council. The Solicitor suggested that it may be possible to proceed under the Police Act, if a decision is made in favour of the stipend.

The motion on the floor was put and carried.

RESOLUTION #80-10

On motion of Ald. Crawford and Valardo, Council adopted the following Resolution #80-10, setting the date for Dartmouth Natal Day:

Resolution #80-10

RESOLVED that the City Council of the City of Dartmouth declare a civic holiday on Monday, August 4, 1980 for Dartmouth Natal Day and a civic half-holiday on Halifax Natal Day.

NOTICE OF MOTION:  
ALD. CRAWFORD

The following notice of motion was given by Ald. Crawford for the next regular Council meeting:

That Dartmouth City Council appoint a committee to actively pursue the possibility of acquiring the Atlantic Winter Fair to locate in the City of Dartmouth on City-owned land. The committee to be made up of Aldermen and citizens-at-large. The names of the citizens to be submitted by all Aldermen.

An in camera item on the Dartmouth Salvage property on Canal Street was withdrawn from the agenda by the City Administrator.

Meeting adjourned.

  
G. D. Brady,  
Deputy City Clerk.

Dartmouth, N. S.

March 19/80.

Regularly called meeting of City Council  
held this date at 7:00 p.m.

Present - Mayor Brownlow

Ald. Ibsen	Greenough
Williams	Cunningham
Brennan	Crawford
Valardo	Withers
Hart	Greenwood
Ritchie	Fredericks
City Comptroller,	D. McBain
City Administrator,	C. A. Moir

20% OR . . . ' REPORT

Council met to resume consideration of the  
'20% or . . . ' report presented in March of 1979,  
The report has been before Council on other occasions  
and several of the recommendations contained in it have  
already been adopted.

On motion of Ald. Crawford and Valardo, Council  
moved into Committee for the remainder of the meeting.  
The meeting adjourned in Committee.



D. McBain,  
City Comptroller.

Dartmouth, N. S.

March 25/80.

Regularly called meeting of City Council  
held this date at 7:00 p.m.

Present - Mayor Brownlow

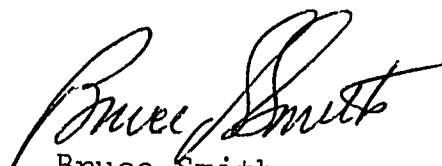
Ald. Sarto	Cunningham
Brennan	Crawford
Withers	Greenwood
Ritchie	Fredericks
Hawley	Greenough
City Administrator, C. A. Moir	
City Comptroller, D. McBain	
Cost Accountant, J. Rowinski	
City Clerk-Treasurer, B. Smith	

The first part of the meeting was conducted  
with Ald. Greenough in the chair.

SOLUTION #80-15

Resolution #80-15, requesting the Governor-  
in-Council to extend the time for setting the 1980  
tax rate to April 30/80, was presented for approval  
and was adopted, on motion of Ald. Crawford and  
Greenwood; a copy of Resolution #80-15 is attached.

Council then went into Committee for the  
remainder of the meeting and adjourned in Committee.

  
Bruce Smith,  
City Clerk-Treasurer.

March 25, 1980

RESOLUTION #80-15

WHEREAS the Governor in Council when requested by the City to do so, may extend the time within which the City of Dartmouth may establish a tax rate by authority of the Municipal Taxation Time Extension Act, 1970 Statutes of Nova Scotia, Chapter 9;

AND WHEREAS the amount of money which may be available to the City for its 1980 budget is not now known and there may be insufficient time for this amount to become fully known and taken into consideration by City Council in its budget considerations prior to March 31, 1980;

THEREFORE BE IT RESOLVED that the Governor in Council be requested to extend the time within which the City of Dartmouth may establish a tax rate for the year 1980 to the 30th day of April, 1980.

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Dartmouth, N. S.

March 27/80.

Regularly called meeting of City Council  
held this date at 7:00 p.m.

Present - Mayor Brownlow

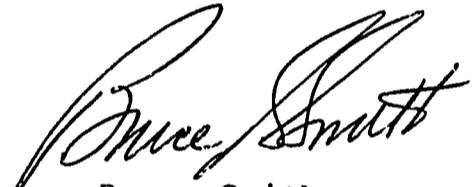
Ald. Sarto	Withers
Brennan	Crawford
Hart	Greenwood
Hawley	Greenough
Ritchie	Fredericks
City Administrator, C. A. Moir	
City Comptroller, D. McBain	
City Clerk-Treasurer, B. Smith	
Cost Accountant, J. Rowinski	

BUDGET ESTIMATES

Council met to continue with the 1980 budget estimates and went into Committee, on motion of Ald. Crawford and Withers.

Following the budget discussions and after meeting briefly in camera, Council reconvened in open meeting and on motion of Ald. Hart and Brennan, ratified the action taken in camera (land, Canal St.).

The meeting then adjourned.

  
Bruce Smith,  
City Clerk-Treasurer.

Dartmouth, N.S.

March 31, 1980

Regularly called meeting of City Council held  
this date at 7:00 p.m.

Present: Mayor Brownlow  
Ald. Crawford Brennan  
Fredericks Greenough  
Withers Hawley  
Sarto Hart  
Greenwood Ritchie  
Cunningham Ibsen  
City Administrator: C. A. Moir  
City Comptroller: D. McBain  
City Clerk-Treasurer: B. Smith  
Cost Accountant: J. Rowinski

BUDGET ESTIMATES: Council met to continue with the 1980 budget  
estimates and went into Committee, on motion of  
Ald. Brennan and Crawford.

Bruce Smith,  
City Clerk-Treasurer.